

REMARKS

Claims 1-26 are pending in the application. Claims 7-15, 20, 23, and 26 have been withdrawn from consideration, thereby leaving Claims 1-6, 16, 19, 24, and 25 remaining in the application. In an Office Action mailed September 29, 2003, all claims were rejected under 35 U.S.C. § 103(a) as being an obvious combination of Peot et al., Embree et al., and Nakajima et al.

Claims 16, 24, and 25 have been amended above to clarify certain embodiments of the present application. Claims 1-15 have been canceled. In view of the above claim amendments, cancellations of claims, and the remarks that follow, applicants respectfully submit that the application is now in condition for allowance.

Claims 16, 24, and 25 have been amended to clarify that the "motor assembly is positioned radially within the diameter of the saw blade when the saw blade is attached to the tool connector." Such a limitation is recited in each of Claims 16, 24, and 25.¹ Applicants respectfully submit that a hypothetical combination of Peot et al., Embree et al., and Nakajima et al. fails to teach or suggest the embodiment of amended Claims 16, 24, and 25.

Peot et al., the primary reference, generally disclose a portable electrical power tool having a rare earth permanent magnet motor. As the Office Action correctly admits, there is no teaching or suggestion within Peot et al. of a power tool that include a motor assembly radially disposed within the diameter of the saw blade, as generally set forth in amended Claims 16, 24, and 25. Instead, Peot et al. merely disclose a motor 22 that is disposed outside the diameter of a saw blade. Applicants respectfully submit that Embree et al. and Nakajima et al. both fail to

¹ Applicants acknowledge with appreciation Examiner Peterson's clarifying comments regarding the cited references of record.

teach or suggest the foregoing shortcoming of Peot et al. and, therefore, cannot overcome the deficiencies of Peot et al.

Embree et al. generally disclose a motor for low velocity, high volume fans and other applications. As may be best seen by referring to Figures 3 and 4, the motor 10 include a stator 16 and an armature 12 interconnected by a motor shaft 28. Applicants respectfully submit that there is no teaching or suggestion with Embree et al. of a motor assembly disposed within the diameter of a saw blade, as generally set forth in amended Claims 16, 24, and 25.

Similarly, Nakajima et al. appear to teach a brushless motor of an outer rotor type for a fan. The motor includes a stator core 4 having wound stator coils 5 and the motor includes permanent magnetic poles. In such a motor, the ratio of its axially length to a fan diameter and the ratio of its inertia to that of the fan are "set to 30% or lower and 10% or lower, respectively."

Applicants respectfully note that both Peot et al. and Nakajima et al. are silent with respect to a power circular saw that includes a motor assembly positioned "radially within the diameter of the saw blade when the saw blade is attached to the tool connector," as now generally set forth in amended Claims 16, 24, and 25. Therefore, applicants respectfully submit that there is no *prima facie* case of obviousness because there is no teaching or suggestion to combine the cited references of Peot et al., Embree et al., and Nakajima et al. Moreover, even if a teaching or suggestion were somehow established, such a hypothetical combination would not result in a power circular saw that includes a motor assembly positioned radially within a diameter of a saw blade when the saw blade is attached to the tool connector, as set forth in amended Claims 16, 24, and 25.

Applicants respectfully submit that the dependent claims depending from Claim 16 are thus allowable for the reasons discussed above. In addition, the dependent claims have further limitations that distinguish over the cited references whether taken individually or in hypothetical

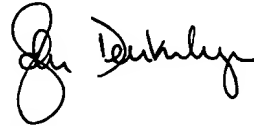
combination. Therefore, applicants respectfully submit that the dependent claims of the present application should also now be found allowable.

CONCLUSION

In light of the foregoing amendments and remarks, applicants respectfully submit that the present application is now in condition for allowance. Applicants respectfully request reconsideration and allowance of all claims. The Examiner is invited to telephone the undersigned if there are any remaining issues.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



John D. Denkenberger
Registration No. 44,060
Direct Dial No. 206.695.1749

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: March 29, 2004 Christensen O'Connor Johnson Kindness

JDD:cg

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100